



**UNITED STATES DEPARTMENT OF COMMERCE  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/985,007 12/04/97 MIURA

N 2550/KIP

EXAMINER

HM12/0816

ROSENMAN & COLIN LLP  
575 MADISON AVENUE  
NEW YORK NY 10022-2585

CHIN, C

ART UNIT

PAPER NUMBER

1641

DATE MAILED:

08/16/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Defective Notice of Appeal or Brief

Application No.  
08/985,007

Applicant(s)

Muira et al

Examiner

Chris Chin

Group Art Unit

1641



☐ The Notice of Appeal filed on \_\_\_\_\_ is:

☐ not acceptable because:

☐ it was not timely filed.

☐ the statutory fee for filing the appeal was not submitted. See 37 CFR 1.17(b).

☐ the appeal fee received on \_\_\_\_\_ was not timely filed.

☐ the submitted fee of \$ \_\_\_\_\_ is insufficient. The appeal fee required by 37 CFR 1.17(b) is \$ \_\_\_\_\_.

☐ the appeal is not in compliance with 37 CFR 1.191 in that there is no record of a second or a final rejection in this application.

☐ a Notice of Allowability, form PTO-37, was mailed by the Office on \_\_\_\_\_.

☒ The appeal brief filed on 5/12/00 is NOT acceptable for the reason(s) indicated below: (see attachment)

☐ The brief and/or brief fee is untimely. See 37 CFR 1.192.

☐ The statutory fee for filing the brief has not been submitted. See 37 CFR 1.17(c).

☐ The submitted brief fee of \$ \_\_\_\_\_ is insufficient. The brief fee required by 37 CFR 1.17(c) is \$ \_\_\_\_\_.

The appeal in this application will be dismissed unless corrective action is taken. Extensions of time may be obtained under 37 CFR 1.136(a).

☐ The appeal in this application is DISMISSED because:

☐ The fee for filing the brief as required under 37 CFR 1.17(c) was not timely submitted and the period for obtaining an extension of time to file the brief under 37 CFR 1.136 has expired.

☐ The brief was not timely filed and the period for obtaining an extension of time to file the brief under 37 CFR 1.136 has expired.

☐ Because of the dismissal of the appeal, this application:

☐ is abandoned because there are no allowed claims.

☐ is being returned to the examiner for final disposition because it contains allowed claims. Prosecution on the merits is CLOSED.

Art Unit: 1641

### **DETAILED ACTION**

1. The brief does not contain a heading identifying the real party in interest as required by 37 CFR 1.192(c)(1).
2. The brief does not contain a heading identifying the related appeals and interferences directly affected by or having a bearing on the decision in the pending appeal as required by 37 CFR 1.192(c)(2).
3. The brief does not contain a concise explanation of the invention defined in the claims involved in the appeal, which refers to the specification by page and line number, and to the drawing, if any, by reference characters as required by 37 CFR 1.192(c)(5). While the brief contains an explanation of the invention, it does not refer to page and line of the specification that provides support for the explanation.
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chris Chin whose telephone number is (703) 308-3991. The examiner can normally be reached on Monday-Thursday from 9:30 am to 7:00 pm. The examiner can also be reached on alternate Fridays.

Art Unit: 1641

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Long Le, can be reached on (703) 305-3399. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-4242.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0196.

cchin/cc  
August 11, 2000



CHRISTOPHER L. CHIN  
PRIMARY EXAMINER  
GROUP 1800-1641